

pd 57.75

Court clerk has not verified the figures in this writ. If you have questions regarding this writ, please contact your legal counsel, the issuing attorney or company. Debtor may contest this writ by filing a claim of exemption.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, its successors in interest and/or assigns,

Case No.: 130709398

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

vs.

PATRICK J. MURPHY; ELIZABETH M. MURPHY; WEBSTER BANK, N.A.; MIDLAND FUNDING, LLC, ACCOUNT CONTROL SERVICES, INC.; OCCUPANTS OF THE PREMISES,

Defendants.

2019 APR - 8 AM 10:52

TO THE MULTNOMAH COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 6/10/2014. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,
c/o Jeremy Clifford
Attorney for Plaintiff

McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

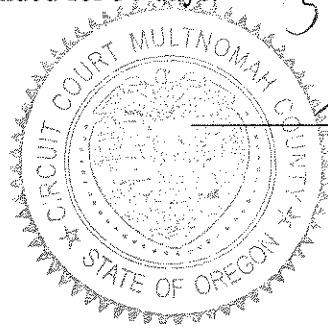
With the adjudicated amount due of \$226,124.29, plus pre-judgment interest at the per diem of \$18.04 from 4/1/2014 to 6/9/2014, in the amount of \$1,262.94, plus post judgment interest at the statutory rate of 9.0% per annum from 6/10/2014 to 2/18/2019 in the amount of \$96,100.70, and continuing with a per diem of \$56.07, currently totaling \$323,487.93.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about February 13, 2007, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described as follows:

6 SEE ATTACHED EXHIBIT 1

7 and commonly known as: 5219 SE 42ND AVE, PORTLAND, OR 97206.

8 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
9 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
10 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
11 You are to make the return within 60 days after you receive this Writ. Should the sale be
12 continued, the writ may be automatically extended for 30 days.



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17 Dated: 2/14/19 and submitted by:

18 **McCarthy & Holthus, LLP**

19
20 John Thomas OSB No. 024691
21 Jeremy Clifford OSB No. 142987
22 920 SW 3rd Ave, 1st Floor
23 Portland, OR 97204
24 Phone: (971) 201-3200
25 Fax: (971) 201-3202
26 jclifford@mccarthyholthus.com
27 Of Attorneys for Plaintiff
28

EXHIBIT 1

EXHIBIT 1

Legal Description

LOT 5, BLOCK 10, LEXINGTON HEIGHTS, PORTLAND, MULTNOMAH COUNTY,
OREGON.

End of Legal Description

FILED
2014 JUN -3 PM 4:36
CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, its successors in interest and/or
assigns,

Plaintiff,

v.

PATRICK J. MURPHY; ELIZABETH M.
MURPHY; WEBSTER BANK, N.A.;
MIDLAND FUNDING, LLC; ACCOUNT
CONTROL SERVICES, INC; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 130709398

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) PATRICK J. MURPHY
- (2) ELIZABETH M. MURPHY
- (3) WEBSTER BANK, N.A.
- (4) MIDLAND FUNDING, LLC
- (5) ACCOUNT CONTROL SERVICES, INC
- (6) OCCUPANTS OF THE PREMISES

AND MONEY AWARD AGAINST
PATRICK J. MURPHY AND
ELIZABETH M. MURPHY

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff JPMorgan Chase Bank, National Association, its successors in interest and/or assigns ("Plaintiff"), filed its First Amended Complaint for deed of trust foreclosure; that the defendants Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank, N.A., Midland Funding, LLC, Account Control Services, Inc and Occupants of the Premises were duly served with the Summons and Complaint as required by law; that defendants Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank,

1 N.A., Midland Funding, LLC, Account Control Services, Inc and Occupants of the Premises failed to
2 appear, and an Order of Default has been entered against them on Plaintiff's Complaint.

3 2.

4 Plaintiff hereby requests this General Judgment be entered into the Court's register to
5 accomplish the following: to foreclose any and all interest of defendants Patrick J. Murphy, Elizabeth
6 M. Murphy, Webster Bank, N.A., Midland Funding, LLC, Account Control Services, Inc and
7 Occupants of the Premises in the real property subject to this foreclosure action, located at 5219
8 Southeast 42nd Avenue, Portland, Oregon 97206-5005 (the "Property").
9

10 3.

11 The Court being fully advised; it is hereby

12 ORDERED AND ADJUDGED:

13 4.

14 That the Deed of Trust executed and delivered by Patrick J. Murphy and Elizabeth M. Murphy
15 to Mortgage Electronic Registration Systems, Inc, solely as nominee for Sierra Pacific Mortgage
16 Company, Inc. on February 13, 2007, and recorded on February 16, 2007 under recording number
17 2007-029531 of the official records of Multnomah County, Oregon, and assigned to Plaintiff by way of
18 an Assignment of Deed of Trust recorded on October 11, 2010 as Instrument No. 2010-127865, is a
19 valid lien for the amount of Plaintiff's Money Award set forth herein against the Property situated in
20 Multnomah County, Oregon, described as follows:
21

22 LOT 5, BLOCK 10, LEXINGTON HEIGHTS, PORTLAND,
23 MULTNOMAH COUNTY, OREGON.

24 5.

25 That the lien is superior to any interest, lien, or claim of defendants Patrick J. Murphy,
26

1 Elizabeth M. Murphy, Webster Bank, N.A., Midland Funding, LLC, Account Control Services, Inc and
2 Occupants of the Premises in that Property and that said Deed of Trust is hereby foreclosed by this
3 Court on the Property.

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5 6.

6 That defendants Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank, N.A., Midland
7 Funding, LLC, Account Control Services, Inc and Occupants of the Premises, and each of them, and all
8 parties claiming through or under them as purchasers, encumbrances, or otherwise, are forever barred
9 and foreclosed of all interest, lien, or claim in the Property and every portion thereof excepting only any
10 statutory right of redemption provided by the laws of the State of Oregon.

11
12 7.

13 That defendants Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank, N.A., Midland
14 Funding, LLC, Account Control Services, Inc and Occupants of the Premises are not entitled to a
15 homestead exemption as against Plaintiff's Deed of Trust.

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17 8.

18 That all of the right, title and interest which Patrick J. Murphy and Elizabeth M. Murphy had on
19 February 13, 2007, the date of the Deed of Trust, and all of the right, title and interest defendants
20 Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank, N.A., Midland Funding, LLC, Account
21 Control Services, Inc and Occupants of the Premises and any successor thereafter had in and to the real
22 Property is hereby ordered to be sold by law and the proceeds of sale shall be applied toward the
23 satisfaction of Plaintiff's Money Award herein; and the surplus, if any, to the Clerk of the Court to be
24 disbursed to such party or parties as may establish their right thereto.

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9.

That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the aggregate amount of its Money Award plus interest from the date of this Judgment until sale without advancing any cash except money required for the sheriff's sale.

10.

That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the right to motion the court after sale for exclusive and immediate possession of the Property through the issuance and enforcement of a writ of assistance, if defendants Patrick J. Murphy, Elizabeth M. Murphy, Webster Bank, N.A., Midland Funding, LLC, Account Control Services, Inc and Occupants of the Premises shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

11.

IT IS FURTHER ORDERED That Plaintiff shall have judgment and money award against defendants Patrick J. Murphy and Elizabeth M. Murphy for the amounts due and owing under the terms of the Note and secured with the Property by the Deed of Trust, and for its attorney fees and costs herein and consisting of: \$178,263.53, the unpaid principal balance; \$34,724.20, the accrued interest under the terms of the Note from June 1, 2011 to March 31, 2014, and to continue to accrue from that date, March 31, 2014, at 6.875% per annum (\$33.58 per diem) until the date this judgment and money award is entered by the court; plus \$8,532.56, the amounts advanced under the terms of the Note and Deed of Trust for escrow and corporate advances; \$2,380.00, for attorney fees and \$2,224.00, for litigation costs; for total money award in the amount of \$226,124.29 to accrue interest post-judgment at the contract rate of 6.875% or the legal rate of 9.000% per annum from the date the

1 Judge signs this Judgment until satisfied. Said amounts are set out in detail under the Money Award
2 section below.

3 **MONEY AWARD**

4 1. **Judgment Creditor:** JPMorgan Chase Bank, National Association
5 c/o RCO Legal, P.S.
6 511 SW 10th Ave., Ste. 400
7 Portland, OR 97205
8 503.977.7840

9 2. **Judgment Creditor's Attorney:** David C. Boyer
10 RCO Legal, P.S.
11 511 SW 10th Ave., Ste. 400
12 Portland, OR 97205
13 503.977.7840

14 3. **Judgment Debtors:** Patrick J. Murphy
15 5219 Southeast 42nd Avenue
16 Portland, Oregon 97206-5005
17 Year of Birth: Unknown
18 Social Security No.: XXX-XX-3774
19 Drivers' License No.: Unknown
20 Name of Attorney: Unknown

21 and

22 Elizabeth M. Murphy
23 5219 Southeast 42nd Avenue
24 Portland, Oregon 97206-5005
25 Year of Birth: Unknown
26 Social Security No.: XXX-XX-8665
Drivers' License No.: Unknown
Name of Attorney: Unknown

Person or public body entitled to any portion of money award herein: None

4. **Total Amount of Money Award:** \$226,124.29

Attorneys' Fees and Costs

Attorneys' Fees \$2,380.00

1	Title Report	\$648.00	
	Filing Fee	\$505.00	
2	Recording Fee -- Lis Pendens	\$41.00	
3	Process Service Fees	\$1,030.00	
4			
		Total Costs	\$2,224.00
5			
		Total Attorneys' Fees and Costs	\$4,604.00

6	<u>Lenders' Principal and Interest</u>		
7	Principal Balance	\$178,263.53	
8	Accrued Interest from June 1, 2011, to March 31, 2014, the date calculated by the declarant in the declaration of indebtedness at 6.875% per annum (\$33.58 per diem).	\$34,724.20	
9			
10			
		Total Principal & Interest	\$212,987.73

11	<u>Lenders' Fees and Costs</u>		
12	Total Escrow	\$7,500.86	
13	Previous Bankruptcy Fees/Costs	\$800.00	
	Property Inspections	\$231.70	
14			
		Total Lender's Fees and Costs:	\$8,532.56
15		Total Lenders' Principal, Interest, Fees, and Costs:	\$221,520.29

16 Additional pre-judgment interest pursuant to ORS
 17 18.042 from March 31, 2014 to the date of entry of
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judgment at the contract rate of interest.

Post-Judgment interest thereafter on the total judgment amount at the contract rate of interest, or 9.000% per annum, whichever is greater.

Total Money Award (Judgment)

\$226,124.29

DATED this _____ day of JUN 03 2014, 2014.



CIRCUIT COURT JUDGE

Presented by:

RCO LEGAL, P.S.

By David C. Boyer Dated: 5-29-2014

David C. Boyer, OSB # 125361
Attorneys for Plaintiff
511 SW 10th Ave., Ste. 400
Portland, OR 97205
Telephone (503) 977-7840; Facsimile (503) 977-7963
dboyer@rcolegal.com